

PAUL R. RIEHLE (SBN 115199)
paul.riehle@faegredrinker.com
**FAEGRE DRINKER BIDDLE & REATH
LLP**
Four Embarcadero Center
San Francisco, CA 94111
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

CHRISTINE A. VARNEY (*pro hac vice*)
cvarney@cravath.com
KATHERINE B. FORREST (*pro hac vice*)
kforrest@cravath.com
GARY A. BORNSTEIN (*pro hac vice*)
gbornstein@cravath.com
YONATAN EVEN (*pro hac vice*)
yeven@cravath.com
LAUREN A. MOSKOWITZ (*pro hac vice*)
lmoskowitz@cravath.com
M. BRENT BYARS (*pro hac vice*)
mbyars@cravath.com
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, New York 10019
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

*Attorneys for Plaintiff and Counter-defendant
Epic Games, Inc.*

[Additional counsel appear on signature page]

THEODORE J. BOUTROUS JR. (SBN 132099)
tboutrous@gibsondunn.com
RICHARD J. DOREN (SBN 124666)
rdoren@gibsondunn.com
DANIEL G. SWANSON (SBN 116556)
dswanson@gibsondunn.com
JAY P. SRINIVASAN (SBN 181471)
jsrinivasan@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

VERONICA S. MOYE (*pro hac vice*)
vlewis@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900

CYNTHIA E. RICHMAN (*pro hac vice*)
crichman@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8500
Facsimile: 202.467.0539

*Attorneys for Defendant and Counterclaimant
Apple Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

vs.

APPLE INC.,

Defendant, Counterclaimant.

No. 4:20-CV-05640-YGR-TSH

**STIPULATION AND [PROPOSED]
ORDER REGARDING MATERIALS
RELIED UPON BY EXPERTS**

Hon. Yvonne Gonzalez Rogers

Pursuant to the Court's correspondence of May 8, 2021, directing that "[w]here the parties agree on the admissibility of documents associated with each expert's testimony, please prepare a written list of those documents for the court and the clerk of the court which will allow for the efficient admission of the same," IT IS HEREBY STIPULATED, subject to the approval of the Court:

The exhibits listed in the table below are admitted into evidence in connection with the opinion(s) offered by the expert(s) identified, subject to: (a) the Court's standing orders on hearsay and other evidentiary matters; (b) appropriate confidentiality designations, as proposed by the parties on a per-exhibit basis; (c) the understanding that Rule 1006 summaries admitted in connection with expert opinions provide a basis for those opinions and the parties will not object to Rule 1006 summaries on the basis that the underlying materials have not been admitted into evidence separately; and (d) the understanding that Drs. Barnes, Cragg, Hitt, Lafontaine, and Rubinfeld may rely on information not admitted into the record, consistent with Rule 703, and that the parties will not object to those experts' reliance on such unadmitted materials within the scope of Rule 703 except as otherwise expressly set forth herein.

Expert	Exhibit	Subject to sealing order or motion
Barnes	PX-0432	Apple intends to request sealing
Barnes	PX-0602	Apple intends to request sealing
Barnes	PX-0603	Apple intends to request sealing
Barnes	PX-0604	Apple intends to request sealing
Barnes	PX-0605	Apple intends to request sealing
Barnes	PX-0606	Apple intends to request sealing
Barnes	PX-0607	Apple intends to request sealing
Barnes	PX-0608	Apple intends to request sealing
Barnes	PX-0609	
Barnes	PX-0610	Apple intends to request sealing
Barnes	PX-0611	Apple intends to request sealing
Barnes	PX-0612	Apple intends to request sealing
Barnes	PX-0756	
Barnes	PX-1000	Apple intends to request sealing
Barnes	PX-1001	Apple intends to request sealing
Barnes	PX-1002	
Barnes	PX-1003	Apple intends to request sealing
Barnes	PX-1004	
Barnes	PX-1005	
Barnes	PX-1006	

1	Barnes	PX-1007	
2	Barnes	PX-1008	
3	Barnes	PX-2385	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 548)
4	Barnes	PX-2391	Apple intends to request sealing as this exhibit reflects sealed material
5	Barnes	PX-2392	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
6	Barnes	PX-2567	
7	Barnes	PX-2568	
8	Barnes	PX-2569	
9	Barnes	PX-2570	
10	Barnes	PX-2575	
11	Barnes	PX-2576	
12	Barnes	PX-2577	
13	Barnes	PX-2578	
14	Barnes	PX-2579	
15	Barnes	PX-2581	
16	Barnes	PX-2582	
17	Barnes	PX-2583	
18	Barnes	PX-2584	
19	Barnes	PX-2585	
20	Barnes	PX-2587	
21	Barnes	PX-2588	
22	Barnes	PX-2589	
23	Barnes	PX-2590	
24	Barnes	PX-2591	
25	Barnes	PX-2598	
26	Barnes	PX-2599	
27	Barnes	PX-2600	
28	Barnes	PX-2601	
	Barnes	PX-2602	
	Barnes	PX-2603	
	Barnes	PX-2668	
	Cragg	PX-1009	
	Cragg	PX-1010	
	Cragg	PX-1011	
	Cragg	PX-1012	
	Cragg	PX-1017	
	Cragg	PX-1022	
	Cragg	PX-1023	
	Cragg	PX-1024	
	Cragg	PX-1025	Apple intends to request sealing
	Cragg	PX-1026	Apple intends to request sealing

1	Cragg	PX-1027	
2	Cragg	PX-1030	
3	Cragg	PX-1032	
4	Cragg	PX-1034	
5	Cragg	PX-1035	
6	Cragg	PX-1036	Apple intends to request sealing
7	Cragg	PX-1037	
8	Cragg	PX-1045	
9	Cragg	PX-2946	
10	Hitt	DX-3411	
11	Hitt	DX-5469	Apple intends to request sealing
12	Lafontaine	DX-3115	
13	Lafontaine	DX-3248	Apple intends to request sealing
14	Lafontaine	DX-3256	
15	Lafontaine	DX-3363	
16	Lafontaine	DX-3421	
17	Lafontaine	DX-3441	
18	Lafontaine	DX-3584	Sealed in full (Dkt. 547)
19	Lafontaine	DX-3598	Partially sealed (Dkt. 547)
20	Lafontaine	DX-3629	
21	Lafontaine	DX-3695	
22	Lafontaine	DX-3710	
23	Lafontaine	DX-3760	
24	Lafontaine	DX-3814	
25	Lafontaine	DX-4002	
26	Lafontaine	DX-4096	
27	Lafontaine	DX-4168	
28	Lafontaine	DX-4172	Partially sealed (Dkt. 547)
	Lafontaine	DX-4200	Partially sealed (Dkt. 547)
	Lafontaine	DX-4217	
	Lafontaine	DX-4312	Apple intends to request sealing
	Lafontaine	DX-4362	Epic intends to request sealing
	Lafontaine	DX-4425	Subject to Sony motion to seal (Dkt. 576)
	Lafontaine	DX-4495	Apple intends to request sealing
	Lafontaine	DX-4632	
	Lafontaine	DX-4920	
	Lafontaine	DX-4931	
	Lafontaine	DX-5338	Apple intends to request sealing
	Lafontaine	DX-5546	
	Rubinfeld	DX-3176	
	Rubinfeld	DX-3177	
	Rubinfeld	DX-3305	

Rubinfeld	DX-3419	
Rubinfeld	DX-3483	
Rubinfeld	DX-3679	
Rubinfeld	DX-4316	
Rubinfeld	DX-4623	

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: May 12, 2021

CRAVATH, SWAINE & MOORE LLP

Christine A. Varney (*pro hac vice*)

Katherine B. Forrest (*pro hac vice*)

Gary A. Bornstein (*pro hac vice*)

Yonatan Even (*pro hac vice*)

Lauren A. Moskowitz (*pro hac vice*)

M. Brent Byars (*pro hac vice*)

FAEGRE DRINKER RIDDLE & REATH LLP

Paul J. Riehle

By: /s/ Justin C. Clarke

Justin C. Clarke

825 Eighth Avenue

New York, New York 10019

Telephone: (212) 474-1000

*Attorneys for Plaintiff and
Counter-defendant Epic Games, Inc.*

Dated: May 12, 2021

GIBSON, DUNN & CRUTCHER LLP

Theodore J. Boutrous Jr.

Richard J. Doren

Daniel G. Swanson

Jay P. Srinivasan

Mark A. Perry

Veronica S. Moye

Cynthia E. Richman

By: /s/ Rachel S. Brass

Rachel S. Brass

555 Mission Street, Suite 3000

San Francisco, CA 94105-0921

(415) 393-8200

*Attorneys for Defendant and
Counterclaimant Apple Inc.*

1 **PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.**

2
3 DATED: _____

HON. YVONNE GONZALEZ ROGERS
United States District Court Judge

ECF SIGNATURE ATTESTATION

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

Dated: May 12, 2021

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Rachel S. Brass
Rachel S. Brass

*Attorney for Defendant and Counterclaimant
Apple Inc.*